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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,778	07/02/2003	Jessica Starodoj	Wee Rider	6978

23217 7590 05/10/2004
WEBB LEWIS & MEYERS LLC
2300 15TH STREET
SUITE 320
DENVER, CO 80202

EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,778

Applicant(s)

STARODOJ ET AL.

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because the photographed images are unclear and do not accurately show the structural features of claim invention. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 5, 8, 10, 13-15, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,448,867 to Darden.

Darden discloses a child carrier passenger system that includes all the limitations recited in claims 1, 4, 5, 8, 10, 13-15, 18, and 19. Darden shows a child carrier passenger system having a frame member 24 (Fig. 6), a child seat 23 (Fig. 6) attached to the frame member, a mechanism 26 (Fig. 6) attached to a first end of the frame

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member and including an open end, a rear clamp 33 (Fig. 7) attached to a second end of the frame member and for attachment to a seat post, a vertical swivel 30,34a (Fig. 6) enabling the frame member to be attached to a seat post, a quick release mechanism 26,36 (Fig. 6) enabling the system to be quickly attached and removed, a footrest 16 (Fig. 2), and a handlebar system 10 (Fig. 6). The description of the child carrier passenger system inherently discloses the method of using a child passenger system.

4. Claims 1, 2, 5-9, 13, 14, 16, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,305,532 to Reminger.

Reminger discloses a child carrier passenger system that includes all the limitations recited in claims 1, 2, 5-9, 13, 14, 16, 17, and 19. Reminger shows a child carrier passenger system having a frame member 22 (Fig. 1), a child seat 32 (Fig. 1) attached to the frame member, a mechanism 26 (Fig. 1) attached to a first end of the frame member and having a U-shaped open end yoke, a rear clamp 24 (Fig. 1) attached to a second end of the frame member and for attachment to a seat post, a quick release mechanism 24,26 (Fig. 1) enabling the system to be quickly attached and removed, a five point harness system 34 (Fig. 1), an adjustable footrest 36,40 (Fig. 1). The description of the child carrier passenger system inherently discloses the method of using a child passenger system.

5. Claims 1, 2, 5, 8, 9, 13, 14, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,969,658 to Levarek et al.

Levarek et al. disclose a child carrier passenger system that includes all the limitations recited in claims 1, 2, 5, 8, 9, 13, 14, 17, and 19. Levarek et al. show a child

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carrier passenger system having a frame member 15 (Fig. 1), a child seat 16 (Fig. 1) attached to the frame member, a mechanism 20 (Fig. 1) attached to a first end of the frame member and having a U-shaped open end yoke, a rear clamp 22 (Fig. 1) attached to a second end of the frame member and for attachment to a seat post, a quick release mechanism 20,22 (Fig. 1) enabling the system to be quickly attached and removed, and an adjustable footrest 30 (Fig. 1). The description of the child carrier passenger system inherently discloses the method of using a child passenger system.

6. Claims 1-3, 5, 8, 9, 12-14, 17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,927,801 to Miree.

Miree discloses a child carrier passenger system that includes all the limitations recited in claims 1-3, 5, 8, 9, 12-14, 17, 19, and 20. Miree shows a child carrier passenger system having a frame member 28,70 (Figs. 1 & 9a), a child seat 16 (Fig. 3) attached to the frame member, a mechanism 17,19 (Fig. 2) attached to a first end of the frame member and having a U-shaped open end yoke (Fig. 3) with a protective coating 31 (Fig. 3), a rear clamp 32 (Fig. 4) attached to a second end of the frame member and for attachment to a seat post, a quick release mechanism 32 (Fig. 4) enabling the system to be quickly attached and removed, an adjustable footrest 41 (Fig. 4), and an adjustable length frame member 70 (Fig. 9a). The description of the child carrier passenger system inherently discloses the method of using a child passenger system.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darden in view of U.S. Patent No. 6,173,980 to Newbold et al.

Darden discloses a child carrier passenger system that is basically the same as that recited in claim 11 except that the handlebar system lacks a toy, as recited in the claim. Newbold et al. shows a child seat similar to that of Darden wherein the handle 400 (Fig. 9) is capable of mounting a toy (see column 13, lines 13-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the child carrier system of Darden such that the handlebar system has a mounted toy, such as the child seat disclosed in Newbold et al. One would have been motivated to make such a modification in view of the suggestion in Newbold et al. that the handlebar configuration allows for a gripping surface when a child may feel off balance and a surface for attaching toys.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The following patents are cited to further show the state of the art with respect to child carrier passenger systems:

U.S. Pat. No. 409,964 to Harvey

U.S. Pat. No. 460,072 to Jones

U.S. Pat. No. 539,284 to McCoy

U.S. Pat. No. 4,632,453 to Robbin et al.

U.S. Pat. No. 4,919,479 to Loewke et al.

U.S. Pat. No. 5,330,215 to Bishaf et al.

U.S. Pat. No. 6,264,223 B1 to Loewke et al.

U.S. Pub. No. 20040061361 A1 to Jefferson et al.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

2168.

JE

April 30, 2004


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600